

By: _____

~~SB.~~ SB. 226

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A BILL TO BE ENTITLED

An Act creating the Texas State Board of Landscape Irrigation; defining the terms landscape irrigation system, component parts, landscape irrigator, any location, installation of underground sprinkler systems and/or landscape irrigation systems; Board; providing for exemption for certain persons in professions or other types of endeavor; creating a Board consisting of six members who shall be citizens of the United States and residents of Texas; prescribing qualifications for membership on the Board; providing method of appointment and prescribing term of office; defining a quorum of said Board; providing for and prescribing oath of office; prescribing powers and duties of the Board; authorizing the Board to adopt rules and regulations; providing that no expense of administration of the Act shall ever be charged against the general fund of the State of Texas; prescribing qualifications for registration; providing for examination and prescribing fees; prescribing for certificates of registration, fee, and method of revocation and reissuance; providing for disposition of surplus funds if acquired; providing for a grandfather clause; providing for notification to local boards of health; providing for a criminal penalty for one in violation of this Act to be fined the sum of \$100.00 and further providing that each day said violation continues shall be deemed a separate offense in violation of this Act; providing for an injunction in addition to the criminal penalty, enjoining anyone in violation of the Act; prescribing for appeal from Board Order; providing a saving and severability clause; repealing laws in conflict with a proviso; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1

This Act shall be known and may be cited as the Landscape Irrigation Act of 1971.

SECTION 2
DEFINITIONS

A. The term landscape irrigation system as used hereinafter shall have the following definition:

1. Any assembly of component parts permanently

installed with and for the controlled distribution of water for the purpose of irrigating any and all types of landscape vegetation, in any location; dust reduction; and erosion control.

B. Component parts shall mean and refers to all types of sprinkler heads (except fire-type heads as used in buildings for the purpose of fire prevention and protection), all types of pipe and fittings, all types of manual and remote control valves; all types of automatic control; all low voltage wiring and/or tubing from control to section valves, hydrants, and any and all other such miscellaneous items as are required or may be required to provide a complete and operating installation for landscape irrigation.

C. A landscape irrigator shall be any person who designs, constructs or consults in or plans any landscape irrigation system which is designed and its purpose is to irrigate any and all types of landscape vegetation, which shall include all types of ornamental grasses, trees, shrubbery, flowers, golf courses, ground cover, ornamental planting gardens and landscape nurseries which are permanently installed.

D. The term in any location refers to not only all exterior or outdoor locations but also includes interior planter boxes, court yards, atriums, window boxes and roof top gardens.

E. Landscape irrigator as used hereafter will have the following meaning:

1. Any person duly licensed by the State of Texas under this Act, who has and shall maintain a regular place of business, who by himself, or themselves, or through a person or persons in

their employ, sell, design, consult, install, revamp, alter, maintain, assemble, repair, or service any landscape irrigation system.

F. Installation of underground sprinkler systems and/or landscape irrigation systems shall mean, define and include complete and/or partial installation of all materials and appliances whatsoever, required to properly distribute water for the purpose of irrigating all types of vegetation, as hereinabove set out, and the control of erosion and/or dust, and shall also specifically include the following:

1. Assembly, installation, repair, conversion, reconstruction, servicing and maintenance of landscape irrigation systems and their components and accessories.

2. All trenching, back filling, boring, holing, sleeving and the operation of all machinery or equipment necessary to accomplish these functions.

3. Hauling, handling, assembling and joining all components of a landscape irrigation system and the operation of all equipment necessary to accomplish these functions.

4. Removal, repair, restoration or replacement of permanent or temporary obstacles to the installation of a landscape irrigation system and the operation of all machinery and equipment necessary to accomplish these functions.

5. Preparation, repair and restoration of rights of way when such function is necessary to

accomplish the installation, repair, reconstruction, service or maintenance of a landscape irrigation system, and the operation of all machinery and equipment necessary to accomplish such functions.

6. Connections to public or private potable, or raw water supplies, the installation of back flow prevention devices and installation of service lines from source of supply to a landscape irrigation system.

7. Installation of automatic controllers and valves, including the establishment of electrical service from a fuse box, circuit breaker or receptacle to such controller, and the installation and connection of electrical control lines and/or tubing between controllers and remote valves.

8. Installation of pressure pumps, as components of a landscape irrigation system, their supports and housings and installation of electrical service from automatic controllers to such pressure pumps.

9. Construction, assembly and/or installation of water storage facilities for the purpose of supplying water to landscape irrigation system.

G. The word or term "Board" as used in this Act means the Texas State Board of Landscape Irrigation, hereinafter created.

SECTION 3 EXEMPTIONS

The following acts, work and conduct shall be expressly per-

mitted without license:

A. Irrigation or yard sprinkler work done by a property owner in a building or on premises owned or occupied by him as his home;

B. Irrigation or yard sprinkler work done by anyone who is regularly employed as or acting as a maintenance man or maintenance engineer, incidental to and in connection with the business in which he is employed or engaged, and who does not engage in the occupation of landscape irrigator or yard sprinkler contractor or maintenance for the general public; construction, installation and maintenance work done upon the premises or equipment of a railroad by an employee thereof who does not engage in the occupation of landscape irrigator or yard sprinkler construction or maintenance for the general public; and landscape irrigation and yard sprinkler construction or maintenance done by persons engaged by any public service company in the laying, maintenance and operation of its service mains or lines and the installation, alteration, adjustment, repair, removal and renovation of all types of appurtenances, equipment and appliances.

C. Any temporary or portable watering devices such as garden hose, hose sprinklers, soaker hoses and agricultural irrigation.

D. Commercial agricultural irrigation, portable or solid set.

SECTION 4
TEXAS STATE BOARD OF
LANDSCAPE IRRIGATION

There is hereby created the Texas State Board of Landscape Irrigation which shall consist of six members, each of whom shall be a citizen of the United States and a resident of this State. All members of the Board and their successors shall be appointed by the Governor and confirmed by the Senate, and shall hold office

for terms of six years, or until their successors are appointed and have qualified; except the members of the Board first appointed shall hold office, two for 2 years, two for 4 years and two for 6 years as determined by the Governor in making said appointments. In addition to the above qualifications, all appointments to this Board, the first appointments inclusive, and all subsequent appointments shall have as a prerequisite to their appointment the following qualifications:

Two members of the Board shall have had a minimum of 10 years experience as landscape irrigators, two members shall have had at least 8 years experience as landscape irrigators and two members shall have had at least 6 years experience as landscape irrigators.

SECTION 5

The Board shall administer the provisions of this Act. The Board shall formerly elect a Chairman and a Secretary-Treasurer from its members and may adopt such rules as it deems necessary for the orderly conduct of its affairs. The Board is hereby authorized and empowered to employ, promote and discharge such assistants and employees as it may deem necessary to properly carry out the intent and purposes of this act, and to fix and pay their compensation and salaries and to provide for their duties and the terms of their employment. A majority of the Board shall constitute a quorum for the transaction of business. The Board shall have a seal which shall be judicially noticed. The Board shall keep records of all proceedings and actions by and before the Board. The Board is hereby authorized, empowered and directed to prescribe, amend and enforce rules and regulations consistent with this Act for the examination and licensing of landscape

irrigators and said Board shall for that purpose appoint an employee or employees thereof, with the power of removal, as a landscape irrigator examiner or examiners, whose duty shall be to examine, as to their fitness and qualifications, all persons applying to the Board for licenses to engage in the business, trade or calling of landscape irrigators or lawn sprinkler companies and to promptly certify the result thereof to said Texas State Board of Landscape Irrigation.

SECTION 6

Members of the Board shall not receive any fixed salary for their services, but each member shall be allowed for each and every day in attending the meetings of the Board, the sum of \$ 20.00, including time spent in travel to and from such meetings, and said members shall be allowed traveling and other necessary expenses while in the performance of official duty, to be evidenced by vouchers approved by the Chairman or Secretary of the Board; providing no member shall receive more than \$500.00 annually, exclusive of expenses. The members of the Board shall qualify by taking the Constitutional oath of office before an Officer authorized to administer oaths within this State, and, upon presentation of such oath of office, together with the certificate of their appointment, the Secretary of State shall issue commissions to them, which shall be evidence of their authority to act as such.

SECTION 7

All expenses incurred under this Act shall be paid from the fees collected by the Board under this Act. No expense incurred under this Act shall ever be a charge against the funds of the State of Texas. The Board shall, as of December 31, 1972, and

annually thereafter, report to the Governor of the State of Texas the receipts and disbursements under this Act for each calendar year. Should and if a surplus be acquired in excess of an amount equal to two annual operating budgets, then and in that event only, shall the surplus be paid over to the general fund of the State of Texas.

SECTION 8

The Board shall issue licenses to such persons of good moral character as have, by a uniform, reasonable examination, shown themselves fit, competent and qualified to engage in the business, trade or calling of a landscape irrigator, designer or consultant, as the case may be.

SECTION 9

The Board shall have power to revoke any license issued hereunder if the same was obtained through error or fraud, or if the recipient thereof is shown to be incompetent or shall have willfully, negligently or arbitrarily violated municipal rules or ordinances regulating sanitation, drainage and plumbing; provided, however, that before any license shall be revoked, the holder hereof shall have written notice enumerating the charges against him, and shall be given a hearing by said Board, and have an opportunity to produce testimony in his behalf, at a time and place specified in said notice, which time shall be not less than twenty days after the service thereof. The Board shall have power to appoint, by an order in writing, any competent person to take testimony in such hearing, who shall have power to administer oaths, issue subpoenas and compel the attendance of witnesses, and the decision of the Board shall be based upon its examination of the testimony taken and the records produced. Any person whose license has been

revoked may, after the expiration of two years from the date of such revocation, but not before, apply for a new license.

SECTION 10

All landscape irrigators and yard sprinkler construction firms or persons, as the case may be, in this State and presently acting in the capacity and doing business as a landscape irrigator or yard sprinkler construction firm, or person at the time this Act takes effect may, within 180 days thereafter, procure a license as a landscape irrigator without examination, upon payment of the license fee hereinafter required. Every person applying after the expiration of said 180 days shall be required to take the examination herein provided for, and satisfy said Board as to his, her or their qualifications and competency.

SECTION 11

Licenses issued by the Board shall be valid throughout the State, but shall not be assignable or transferable. The Board shall forward to the local Board of Health, if there be one, of each town, or to the other authority having control of the enforcement of regulations relative to the water supplies and plumbing in each town, the names and addresses of all persons in such town to whom such licenses have been granted. Licenses shall be issued for one year and may be renewed annually on or before October 1st upon payment of the required fee. In case of failure to renew a license as aforesaid on or before October 1st in any year, the person named therein may, upon payment of the said fee and a deferred renewal fee of \$150.00, increased by such additional fees as would have been payable had such license been continuously renewed, receive a deferred renewal thereof, which shall expire on the ensuing first day of October; provided that such renewed license

shall not constitute its holder a license for any period preceding its issue.

SECTION 12
FEEES

The following shall be the maximum fees charged under this Act by the Board, to-wit:

Landscape Irrigators License - \$100.00

Renewal of Landscape Irrigators License - \$100.00

Deferred Renewal Fee - \$150.00.

SECTION 13

After the expiration of 180 days from the effective date of this Act, no person shall engage in, work at or conduct the business of landscape irrigation, or yard sprinkler construction or repairing in this State, except as herein specifically exempted from the provisions of this Act, unless such person is the holder of a valid license as provided for by this Act; and after the expiration of 180 days from the effective date of this Act, it shall be unlawful for any person to engage in, work at, or conduct the business of a landscape irrigator unless such person is the holder of a valid license issued under the provisions of this Act and provided for hereby; and it shall be unlawful for any person, firm or corporation to engage in or work at the business of installing an irrigation or sprinkler system and doing such irrigation or sprinkler system work except as specifically herein provided unless such installation of irrigation and sprinkling system work be under the supervision and control of a landscape irrigator licensed under this Act.

SECTION 14
CRIMINAL PENALTY

Any person, firm, association of persons, corporation,

partnership, designer or consultant engaged in, working at, or conducting the business of landscape irrigator or lawn sprinkler installer, as defined by this act, without license as provided by law, shall be deemed guilty of a misdemeanor and upon conviction hereof shall be fined in any sum not to exceed \$100.00. Each day that said violation shall continue shall be deemed a separate offense in violation of this Act.

SECTION 15

Every city in this State of more than 5,000 inhabitants shall, and any city or town of this State may, by ordinance or by-law, prescribe rules and regulations for the materials, construction, alteration and inspection of all pipes, faucets, tanks, valves and other fixtures by or through which a supply of water is used or carried; and provide that they should not be placed in any building therein except in accordance with such rules and regulations; and shall further provide that no landscape irrigation or yard sprinkling construction shall be done except in case of normal maintenance, repairs to damage or revision, without a permit being first issued therefor upon such terms and conditions as said city or town shall prescribe; provided, however, that no such ordinance, by-laws, rule or regulation prescribed by any such city or town shall be inconsistent with this Act, or any rule or regulation adopted or prescribed by The Texas State Board of Landscape Irrigation.

SECTION 16 INJUNCTION

A. In addition to the criminal penalty hereinabove set out, any person, firm, partnership, association, corporation, designer, planner or consultant who shall operate or hold himself, themselves

or itselfs out to be a landscape irrigator without first procuring such license as required and provided for in this Act, may be enjoined from unlawfully pursuing such business or occupation, and the Attorney General shall bring suit for such purpose in the name of the State of Texas in Travis County, and the District or County Attorney of any county wherein such person, firm, association, partnership, corporation, designer, consultant or planner engages in such business or conducts such business in violation of this Act is hereby authorized to maintain in the proper Court of said county a suit in the name of the State of Texas to enjoin and prevent such individuals, whether corporation or others, from unlawfully pursuing such occupation. In all such cases it shall not be necessary for the Attorney bringing suit to verify the pleadings or for the State to execute any bond as a condition precedent to the issuing of any injunction or restraining order hereunder.

B. Any license issued under this Act may be revoked by the Board upon a finding by the Board that the holder of such license has been convicted of violating any of the laws of the United States or this State involving moral turpitude or is guilty of violating any of the provisions of this Act; provided, however, the holder of such license shall be entitled to notice, and such notice shall contain a statement which will accurately apprise such license holder of that of which he is accused and shall set the time for hearing not sooner than thirty (30) days after the date of mailing of such notice, and such license holder shall be entitled to be present at the hearing and represented by an attorney. All notices under this section shall be mailed to the last known address of the license holder as reflected in the license holder's file by certified or registered mail.

SECTION 17
APPEAL

A. Any person aggrieved by any decision of the Board relating to the issuance, denial, revocation, or refusal to renew a license may, within sixty days after the date of the decision, appeal by filing a petition in the District Court of the County of his residence. Any person aggrieved by any other decision of the Board may, within the sixty days after the date of the decision, appeal by filing a petition in the District Court of Travis County, Texas.

B. Any person affected or aggrieved by any rule or regulation promulgated under this Act may sue in the District Court of Travis County, Texas, for a declaratory judgment as to the validity of the rule or regulation or the validity of its application to him. Process shall be served on the Attorney General and the Chairman of the Board. The provisions of the Uniform Declaratory Judgment Act (Article 2524-1, Vernon's Texas Civil Statutes) apply to the extent they may be made applicable.

SECTION 18
SEVERABILITY

If any word, phrase, clause, sentence or part of this Act shall be held by any Court of competent jurisdiction to be invalid or unconstitutional, or for other reasons void or unconstitutional, it shall not affect any other word, phrase, clause, sentence or part of this Act, it being the express intention of the Legislature to enact such Act without respect to such action or part so held to be invalid, and such remaining portion shall remain in full force and effect.

SECTION 19
REPEAL OF CONFLICTING LEGISLATION WITH PROVISIO

All laws or parts of laws in conflict with the provisions of

this Act shall be, and the same are, hereby repealed, provided, however, that this Act shall not be construed as repealing or amending any laws affecting or regulating any other profession.

SECTION 20
EMERGENCY CLAUSE

The fact that the public health and welfare may be endangered by incompetent persons connecting into or onto a potable water supply, and by such reason may contaminate the drinking water of the citizens of this State creates a grave emergency and an imperative public necessity that the constitutional rule prohibiting the final passage of a bill during the first 60 days of a regular legislative session and that the constitutional rule requiring bills to be read on three several days in each House be suspended, and said rules are hereby suspended and that this Act be effective from and after the date of its passage and it is so enacted.

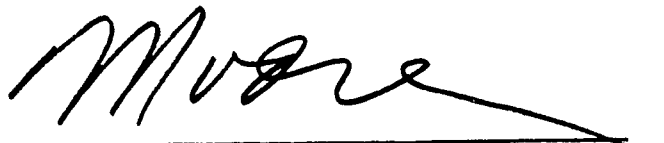
Austin, Texas

MARCH 3, 1971

Honorable Ben Barnes
President of the Senate

Sir:

We, your Committee on STATE AFFAIRS,
to which was referred S. B. No. 226, have had the same under
consideration, and I am instructed to report it back to the Senate
with the recommendation that it do not pass, but that the
Committee Substitute adopted in lieu thereof do pass and be
printed.


Chairman

CAS

COMMITTEE SUBSTITUTE FOR:

S. B. No. 226

By:  Bates

A BILL TO BE ENTITLED

An Act creating the Texas State Board of Landscape Irrigation; defining the terms landscape irrigation system, component parts, landscape irrigator, any location, installation of underground sprinkler systems and/or landscape irrigation systems; Board; providing for exemption for certain persons in professions or other types of endeavor; creating a Board consisting of six members who shall be citizens of the United States and residents of Texas; prescribing qualifications for membership on the Board; providing method of appointment and prescribing term of office; defining a quorum of said Board; providing for and prescribing oath of office; prescribing powers and duties of the Board; authorizing the Board to adopt rules and regulations; providing for compensation and travel allowance; providing that no expense of administration of the Act shall ever be charged against the general fund of the State of Texas; prescribing qualifications for licensees; providing for examination and prescribing fees; prescribing for licenses and method of revocation and reissuance; providing for a grandfather clause; providing for notification to local boards of health; providing for a criminal penalty for one in violation of this Act to be fined the sum of \$100.00 and further providing that each day said violation continues shall be deemed a separate offense in violation of this Act; providing for an injunction in addition to the criminal penalty, enjoining anyone in violation of the Act; providing that cities and towns may prescribe rules and regulations; prescribing for appeal from Board Order; providing a saving and severability clause; repealing laws in conflict with a proviso; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. This act shall be known and may be cited as the Landscape Irrigation Act of 1971.

DEFINITIONS

SECTION 2. The following terms as used hereinafter in this act shall have the following definitions:

A. "Landscape irrigation system" shall mean any assembly of component parts permanently installed with and for the controlled distribution of water for the purposes of irrigating any and all types of landscape vegetation, in any location, for dust reduction, and for erosion control.

B. "Component parts" shall mean and refers to all types of sprinkler heads (except fire-type heads as used in buildings for the purpose of fire prevention and protection), all types of pipe and fittings, all types of manual and remote control valves; all types of automatic control; all low voltage wiring and/or tubing from control to section valves, hydrants, and any and all other such miscellaneous items as are required or may be required to provide a complete and operating installation for landscape irrigation.

C. A "landscape irrigator" shall be any person duly licensed by the State of Texas under this Act, who has and shall maintain a regular place of business, who, by himself, or themselves, or through a person or persons in their employ, sell, design, consult, install, revamp, alter, and maintain, assemble, repair, or service any landscape irrigation system and who designs, constructs or consults in or plans any landscape irrigation system which is designed, and its purpose is to irrigate any and all types of landscape vegetation, which shall include all types of ornamental grasses, trees, shrubbery, flowers, golf courses, ground cover, ornamental planting gardens and landscape nurseries which are permanently installed.

D. The term "in any location" refers to not only all exterior or outdoor locations but also includes interior planter boxes, courtyards, atriums, window boxes and rooftop gardens.

E. "Installation of underground sprinkler systems" and/or "landscape irrigation systems" shall mean, define and include complete and/or partial installation of all materials and appliances whatsoever, required to properly distribute water for the purpose of irrigating all types of vegetation, as hereinabove set out, and

specifically include the following:

1. Assembly, installation, repair, conversion, re-construction, servicing and maintenance of landscape irrigation systems and their components and accessories.
2. All trenching, back filling, boring, holing, sleeving and the operation of all machinery or equipment necessary to accomplish these functions.
3. Hauling, handling, assembling and joining all components of a landscape irrigation system and the operation of all equipment necessary to accomplish these functions.
4. Removal, repair, restoration or replacement of permanent or temporary obstacles to the installation of a landscape irrigation system and the operation of all machinery and equipment necessary to accomplish these functions.
5. Preparation, repair and restoration of rights of way when such function is necessary to accomplish the installation, repair, reconstruction, service or maintenance of a landscape irrigation system, and the operation of all machinery and equipment necessary to accomplish such functions.
6. Connections to public, private or raw potable water supplies, the installation of back flow prevention devices and installation of service lines from source of supply to a landscape irrigation system.
7. Installation of automatic controllers and valves, including the establishment of electrical service from a fuse box, circuit breaker or receptacle to such controller, and the installation and connection of electrical control lines and/or tubing between controllers and remove valves.

8. Installation of pressure pumps, as components of a landscape irrigation system, their supports and housings and installation of electrical service from automatic controllers to such pressure pumps.

9. Construction, assembly and/or installation of water storage facilities for the purpose of supplying water to landscape irrigation system.

F. The word or term "Board" as used in this Act means the Texas State Board of Landscape Irrigation, hereinafter created.

EXEMPTIONS

SECTION 3. The following acts, work and conduct shall be expressly permitted without license:

A. Irrigation or yard sprinkler work done by a property owner in a building or on premises owned or occupied by him as his home;

B. Irrigation or yard sprinkler work done by anyone who is regularly employed as or acting as a maintenance man incidental to and in connection with the business in which he is employed or engaged, and who does not engage in the occupation of landscape irrigator or yard sprinkler contractor or maintenance for the general public; construction, installation and maintenance work done upon the premises or equipment of a railroad by an employee thereof who does not engage in the occupation of landscape irrigator or yard sprinkler construction or maintenance for the general public; and landscape irrigation and yard sprinkler construction or maintenance done by persons engaged by any public service company in the laying, maintenance and operation of its service lines or mains and the installation, alteration, adjustment, repair, removal and renovation of all types of appurtenances, equipment and appliances.

C. Any temporary or portable watering devices such as garden hose, hose sprinklers, soaker hoses and agricultural irrigation.

D. Commercial agricultural irrigation, portable or solid set.

E. Irrigation or yard sprinkler work or any other services authorized by this Act done by a licensed professional engineer as defined by the laws of this State.

TEXAS STATE BOARD
OF LANDSCAPE IRRIGATION

SECTION 4. There is hereby created the Texas State Board of Landscape Irrigation which shall consist of six members, each of whom shall be a citizen of the United States and a resident of this State. All members of the Board and their successors shall be appointed by the Governor and confirmed by the Senate, and shall hold office for terms of six years, or until their successors are appointed and have qualified; except the members of the Board first appointed shall hold office, two for 2 years, two for 4 years, and two for 6 years as determined by the Governor in making said appointments. In addition to the above qualifications, all appointments to this Board, the first appointments inclusive, and all subsequent appointments shall have as a prerequisite to their appointment the following qualifications:

Two members of the Board shall have had a minimum of 10 years experience as landscape irrigators, two members shall have had at least 8 years experience as landscape irrigators and two members shall have had at least 6 years experience as landscape irrigators.

SECTION 5. The Board shall administer the provisions of this Act. The Board shall formerly elect a Chairman and a Secretary-Treasurer from its members and may adopt such rules as it deems necessary for the orderly conduct of its affairs. The Board is hereby authorized and empowered to employ, promote and discharge such assistants and employees as it may

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deem necessary to properly carry out the intent and purposes of this Act, and to fix and pay their compensation and salaries and to provide for their duties and the terms of their employment. A majority of the Board shall constitute a quorum for the transaction of business. The Board shall have a seal which shall be judicially noticed. The Board shall keep records of all proceedings and actions by and before the Board. The Board is hereby authorized, empowered and directed to prescribe, amend and enforce rules and regulations consistent with this Act for the examination and licensing of landscape irrigators and said Board shall for that purpose appoint an employee or employees thereof, with the power of removal, as a landscape irrigator examiner or examiners, whose duty shall be to examine, as to their fitness and qualifications, all persons applying to the Board for license to engage in the business, trade or calling of landscape irrigators or lawn sprinkler companies and to promptly certify the result thereof to said Texas State Board of Landscape Irrigation.

SECTION 6. Members of the Board shall not receive any fixed salary for their services, but each member shall be allowed for each and every day in attending the meetings of the Board, the sum of \$20.00, including time spent in travel to and from such meetings, and said members shall be allowed traveling and other necessary expenses while in the performance of official duty, to be evidenced by vouchers approved by the Chairman or Secretary of the Board; providing no member shall receive more than \$500.00 annually exclusive of expenses. The members of the Board shall qualify by taking the Constitutional oath of office before an Officer authorized to administer oaths within this State, and, upon presentation of such oath of office, together with the certificate of their appointment, the Secretary of State shall issue commissions to them, which shall be evidence of their authority to act as such.

SECTION 7. All sums of money paid to the Board under the provisions of this Act, shall be deposited in the treasury of the State of Texas, and

placed in a special fund to be known as the "Texas State Board of Landscape Irrigation Fund". All expenditures for the administration and enforcement of this Act shall be in the amounts and for the purposes fixed by the general appropriation Bill. Provided, however, that no expense incurred under this Act shall ever be a charge against the general funds of the State of Texas.

SECTION 8. The Board shall issue licenses to such persons of good moral character as have, by a uniform, reasonable examination, shown themselves fit, competent and qualified to engage in the business, trade or calling of a landscape irrigator, designer or consultant, as the case may be.

SECTION 9. The Board shall have power to revoke any license issued hereunder if the same was obtained through error or fraud, or if the recipient thereof is shown to be incompetent or shall have willfully, negligently or arbitrarily violated municipal rules or ordinances regulating sanitation, drainage and plumbing; provided, however, that before any license shall be revoked, the holder hereof shall have written notice enumerating the charges against him, and shall be given a hearing by said Board, and have an opportunity to produce testimony in his behalf, at a time and place specified in said notice, which time shall be not less than twenty days after the service thereof. The Board shall have power to appoint, by an ⁵order in writing, any competent person to take testimony in such hearing, who shall have power to administer oaths, issue subpoenas and compel the attendance of witnesses, and the decision of the Board shall be based upon its examination of the testimony taken and the records produced. Any person whose license has been revoked may, after the expiration of two years from the date of such revocation, but not before, apply for a new license.

SECTION 10. All landscape irrigators and yard sprinkler construction firms or persons, as the case may be, in this State and presently acting in the capacity and doing business as a landscape irrigator or yard sprinkler construction firm, or person at the time this Act takes effect, may, within

180 days thereafter, procure a license as a landscape irrigator without examination, upon payment of the license fee hereinafter required. Every person applying after the expiration of said 180 days shall be required to take the examination herein provided for, and satisfy said Board as to his, her or their qualifications and competency.

SECTION 11. Licenses issued by the Board shall be valid throughout the State, but shall not be assignable or transferable. The Board shall forward to the local board of Health, if there be one, of each town, or to the other authority having control of the enforcement of regulations relative to the water supplies and plumbing in each town, the names and addresses of all persons in such town to whom such licenses have been granted. Licenses shall be issued for one year and may be renewed annually on or before October 1st upon payment of the required fee. In case of failure to renew a license as aforesaid on or before October 1st in any year, the person named therein may, upon payment of the said fee and a deferred renewal fee of \$150.00, increased by such additional fees as would have been payable had such license been continuously renewed, receive a deferred renewal thereof, which shall expire on the ensuing first day of October ; provided that such renewed license shall not constitute its holder a license for any period preceding its issue.

FEEES

SECTION 12. The following shall be the maximum fees charged under this Act by the Board, to-wit:

Landscape Irrigators License - \$100.00

Renewal of Landscape Irrigators License - \$100.00

Deferred Renewal Fee - \$150.00

SECTION 13. After the expiration of 180 days from the effective date of this Act, no person shall engage in, work at or conduct the business of landscape irrigation, or yard sprinkler construction or repairing in this

State, except as herein specifically exempted from the provisions of this Act, unless such person is the holder of a valid license as provided for by this Act; and after the expiration of 180 days from the effective date of this Act, it shall be unlawful for any person to engage in, work at, or conduct the business of a landscape irrigator unless such person is the holder of a valid license issued under the provisions of this Act and provided for hereby; and it shall be unlawful for any person, firm or corporation to engage in or work at the business of installing an irrigation or sprinkler system and doing such irrigation or sprinkler system work except as specifically herein provided unless such installation of irrigation and sprinkling system work be done under the supervision and control of a landscape irrigator licensed under this Act. Provided, however, nothing in this Act shall prohibit a corporation maintaining an established business at one or more locations in this State from engaging in the business or trade of selling, designing, repairing or servicing any landscape irrigation system or offering for sale or selling landscape irrigation systems and all or any materials, appliances or component parts thereof at retail, provided that such corporation shall employ a person licensed under this Act in one of such business locations.

CRIMINAL PENALTY

SECTION 14. Any person, firm, association of persons, corporation, partnership, designer or consultant engaged in, working at, or conducting the business of landscape irrigator or lawn sprinkler installer, as defined by this Act, without license as provided by law, shall be deemed guilty of a misdemeanor and upon conviction hereof shall be fined in any sum not to exceed \$100.00. Each day that said violation shall continue shall be deemed a separate offense in violation of this Act.

SECTION 15. Every city, town and village in this State may, by ordinance or by law, prescribe rules and regulations for the materials, construction, alteration and inspection of all pipes, faucets, tanks, valves and other

fixtures by or through which a supply of water is used or carried; and provide that they should not be placed in any building therein except in accordance with such rules and regulations; and shall further provide that no landscape, irrigation or yard sprinkling construction shall be done except in case of normal maintenance, repairs to damages or revisions, without a permit first being issued therefor upon such terms and conditions as said city, town or village shall prescribe.

INJUNCTION

SECTION 16.

A. In addition to the criminal penalty hereinabove set out, any person, firm, partnership, association, corporation, designer, planner or consultant who shall operate or hold himself, themselves, or itselfs out to be a landscape irrigator without first procuring such license as required and provided for in this Act, may be enjoined from unlawfully pursuing such business or occupation, and the Attorney General shall bring suit for such purpose in the name of the State of Texas in Travis County, and the District or County Attorney or any county wherein such person, firm, association, partnership, corporation, designer, consultant or planner engages in such business or conducts such business in violation of this Act is hereby authorized to maintain in the proper Court of said county a suit in the name of the State of Texas to enjoin and prevent such individuals, whether corporation or others, from unlawfully pursuing such occupation. In all such cases it shall not be necessary for the Attorney bringing suit to verify the pleadings or for the State to execute any bond as a condition precedent to the issuing of any injunction or restraining order hereunder.

B. Any license issued under this Act may be revoked by the Board upon a finding by the Board that the holder of such license has been convicted of violating any of the laws of the United States or this State involving moral turpitude or is guilty of violating any ¹ of the provisions of

this Act; provided however, the holder of such license shall be entitled to notice, and such notice shall contain a statement which will accurately apprise such license holder of that of which he is accused and shall set the time for hearing not sooner than thirty (30) days after the date of mailing of such notice, and such license holder shall be entitled to be present at the hearing and represented by an attorney. All notices under this section shall be mailed to the last known address of the license holder as reflected in the license holder's file by certified or registered mail.

APPEAL

SECTION 17.

A. Any person aggrieved by any decision of the Board relating to the issuance, denial, revocation, or refusal to renew a license may, within sixty days after the date of the decision, appeal by filing a petition in the District Court of the county of his residence. Any person aggrieved by any other decision of the Board may, within the sixty days after the date of the decision, appeal by filing a petition in the District Court of Travis County, Texas.

B. Any person affected or aggrieved by any rule or regulation promulgated under this Act may sue in the District Court of Travis County, Texas, for a declaratory judgment as to the validity of the rule or regulation or the validity of its application to him. Process shall be served on the Attorney General and the Chairman of the Board. The provisions of the Uniform Declaratory Judgment Act (Article 2524-1, Vernon's Texas Civil Statutes) apply to the extent they may be made applicable.

SEVERABILITY

SECTION 18. If any word, phrase, clause, sentence or part of this Act shall be held by any Court of competent jurisdiction to be invalid or unconstitutional, or for other reasons void or unconstitutional, it shall not affect any other word, phrase, clause, sentence or part of this Act, it being

the express intention of the Legislature to enact such Act without respect to such action or part so held to be invalid, and such remaining portion shall remain in full force and effect.

REPEAL OF CONFLICTING LEGISLATION WITH PROVISIO

SECTION 19. All laws or parts of laws in conflict with the provisions of this Act shall be, and the same are, hereby repealed, provided, however, that this Act shall not be construed as repealing or amending any laws affecting or regulating any other profession.

EMERGENCY CLAUSE

SECTION 20. The fact that the public health and welfare may be endangered by incompetent persons connecting into or onto a potable water supply, and by such reason may contaminate the drinking water of the citizens of this State creates a grave emergency and an imperative public necessity that the constitutional rule prohibiting the final passage of a bill during the first 60 days of a regular legislative session and that the constitutional rule regarding bills to be read on three several days in each House be suspended, and said rules are hereby suspended and that this Act be effective from and after the date of its passage and it is so enacted.

BILL ANALYSIS

BACKGROUND INFORMATION:

Fear that the public health may be endangered by incompetent persons connecting into a water supply.

PURPOSE OF THE BILL:

Creates the Texas State Board of Landscape Irrigation.

SECTION BY SECTION SUMMARY:

Section 1: Land Irrigation Act.

Section 2: Definitions.

Section 3: Exemptions:

- A. Irrigation of a yard as part of the premises of a home, done by the resident;
- B. Irrigation work done by a maintenance man in connection with his work; construction work done on the premises of a railroad by one who is not a landscape irrigator contracting to the general public; landscape irrigation done in the operation of maintenance lines of a public service company;
- C. Any temporary or portable watering device,
- D. Commercial agricultural irrigation, portable or solid set.

Section 4: Creates Board of Landscape Irrigation; 6 members; appointed by Governor; Senate confirmation; 6 year staggered terms. Prerequisites to appointments: 2 members shall have at least 10 years experience as landscape irrigators, 2 shall have 8 years experience, 2 shall have 6 years.

Section 5: Board to administer the provisions of this Act. Shall elect Chairman, Secretary-Treasurer; shall adopt rules to conduct itself. Shall hire employees, set salaries. Shall keep records. Board is directed to set regulations for the examination and licensing of landscape irrigators.

Section 6: Compensation of \$20 per day to Board members for meetings and travel; no member may receive over \$500 annually. Oath of office; commissioners.

Section 7: All expenses to be paid from fees collected by Board. No expense incurred shall be a charge against the funds of the State of Texas. Report to Governor on December 31 of each year of the receipts and disbursements. Provision for surplus.

Section 8: Board to issue licenses.

S.R.S.

Section 9: Board may révoke licenses; provision for hearing. Persons whose licenses have been revoked may apply for a new license 2 years after the revocation.

Section 10: All practicing landscape irrigators may obtain a license for a fee but without examination within 180 days after the effective date.

Section 11: Local health authorities to be notified of new licenses. Licenses to be renewed annually; provision for deferred renewal.

Section 12: Maximum fees:
license - \$100,
renewal - \$100,
deferred renewal - \$150.

Section 13: Unlawful to operate without license.

Section 14: Criminal penalty is misdemeanor, \$100 maximum fine.

Section 15: Cities may pass ordinances regulating water movement and irrigation system construction, if the ordinance is not in conflict with rules of the Board.

Section 16: Provision for injunction of irrigation construction operations; licenses may be revoked if the holder has been convicted of any federal law or law of this state involving moral turpitude or if he is guilty of violating a provision of this act.

Section 17: Appeals in District Court within 60 days of the action of the Board; right to sue for a declaratory judgement.

Section 18: Severability clause.

Section 19: Repealer clause.

Section 20: Emergency clause.

By: Bates

S. B. No. 226

A BILL TO BE ENTITLED

AN ACT

creating the Texas State Board of Landscape Irrigation; defining the terms landscape irrigation system, component parts, landscape irrigator, any location, installation of underground sprinkler systems and/or landscape irrigation systems, Board; providing for exemption for certain persons in professions or other types of endeavor; creating a Board consisting of six members who shall be citizens of the United States and residents of Texas; prescribing qualifications for membership on the Board; providing method of appointment and prescribing term of office; defining a quorum of said Board; providing for and prescribing oath of office; prescribing powers and duties of the Board; authorizing the Board to adopt rules and regulations; providing for compensation and travel allowance; providing that no expense of administration of the Act shall ever be charged against the general fund of the State of Texas; prescribing qualifications for licensees; providing for examination and prescribing fees; providing for licenses and method of revocation and reissuance; providing for a grandfather clause; providing for notification to local boards of health; providing for a criminal penalty for one in violation of this Act to be fined the sum of \$100.00 and further providing that each day said violation continues shall be deemed a separate offense in violation of this Act; providing for an injunction in addition to the criminal penalty, enjoining anyone in violation of the Act; providing that cities and towns may prescribe rules and regulations not inconsistent with this Act; prescribing for appeal from Board Order; providing a saving and severability clause; repealing laws in _____

conflict with a proviso; and declaring an emergency. _____

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. This Act shall be known and may be cited as the Landscape Irrigation Act of 1971. _____

DEFINITIONS

Sec. 2. The following terms as used hereinafter in this Act shall have the following definitions: _____

A. "Landscape irrigation system" shall mean any assembly of component parts permanently installed with and for the controlled distribution of water for the purposes of irrigating any and all types of landscape vegetation, in any location, for dust reduction, and for erosion control. _____

B. "Component parts" shall mean and refers to all types of sprinkler heads (except fire type heads as used in buildings for the purpose of fire prevention and protection), all types of pipe and fittings, all types of manual and remote control valves; all types of automatic control; all low voltage wiring and/or tubing from control to section valves, hydrants, and any and all other such miscellaneous items as are required or may be required to provide a complete and operating installation for landscape irrigation. _____

C. A "landscape irrigator" shall be any person duly licensed by the State of Texas under this Act, who has and shall maintain a regular place of business, who, by himself, or themselves, or through a person or persons in their employ, sell, design, consult, install, revamp, alter, and maintain, assemble, repair, or service any landscape irrigation system and who designs, constructs or consults in or plans any landscape irrigation system which is designed, and its purpose is to irrigate any and all types of _____

landscape vegetation, which shall include all types of ornamental grasses, trees, shrubbery, flowers, golf courses, ground cover, ornamental planting gardens and landscape nurseries which are permanently installed.

D. The term "in any location" refers to not only all exterior or outdoor locations but also includes interior planter boxes, courtyards, atriums, window boxes and rooftop gardens.

E. "Installation of underground sprinkler systems" and/or "landscape irrigation systems" shall mean, define and include complete and/or partial installation of all materials and appliances whatsoever, required to properly distribute water for the purpose of irrigating all types of vegetation, as hereinabove set out, and specifically include the following:

1. Assembly, installation, repair, conversion, reconstruction, servicing and maintenance of landscape irrigation systems and their components and accessories.

2. All trenching, back filling, boring, holing, sleeving and the operation of all machinery or equipment necessary to accomplish these functions.

3. Hauling, handling, assembling and joining all components of a landscape irrigation system and the operation of all equipment necessary to accomplish these functions.

4. Removal, repair, restoration or replacement of permanent or temporary obstacles to the installation of a landscape irrigation system and the operation of all machinery and equipment necessary to accomplish these functions.

5. Preparation, repair and restoration of rights-of-way when such function is necessary to accomplish the installation, repair,

reconstruction, service or maintenance of a landscape irrigation system, and the operation of all machinery and equipment necessary to accomplish such functions._____

6. Connections to public, private or raw potable water supplies, the installation of back flow prevention devices and installation of service lines from source of supply to a landscape irrigation system._____

7. Installation of automatic controllers and valves, including the establishment of electrical service from a fuse box, circuit breaker or receptacle to such controller, and the installation and connection of electrical control lines and/or tubing between controllers and remote valves._____

8. Installation of pressure pumps, as components of a landscape irrigation system, their supports and housings and installation of electrical service from automatic controllers to such pressure pumps._____

9. Construction, assembly and/or installation of water storage facilities for the purpose of supplying water to landscape irrigation system._____

F. The word or term "Board" as used in this Act means the Texas State Board of Landscape Irrigation, hereinafter created._____

EXEMPTIONS

Sec. 3. The following acts, work and conduct shall be expressly permitted without license:_____

A. Irrigation or yard sprinkler work done by a property owner in a building or on premises owned or occupied by him as his home;_____

B. Irrigation or yard sprinkler work done by anyone who is_____

regularly employed as or acting as a maintenance man incidental to
and in connection with the business in which he is employed or
engaged, and who does not engage in the occupation of landscape
irrigator or yard sprinkler contractor or maintenance for the
general public; construction, installation and maintenance work done
upon the premises or equipment of a railroad by an employee thereof
who does not engage in the occupation of landscape irrigator or yard
sprinkler construction or maintenance for the general public; and
landscape irrigation and yard sprinkler construction or maintenance
done by persons engaged by any public service company in the laying,
maintenance and operation of its service lines or mains and the
installation, alteration, adjustment, repair, removal and
renovation of all types of appurtenances, equipment and appliances.

C. Any temporary or portable watering devices such as garden
hose, hose sprinklers, soaker hoses and agricultural irrigation.

D. Commercial agricultural irrigation, portable or solid set.

E. Irrigation or yard sprinkler work or any other services
authorized by this Act done by a licensed professional engineer as
defined by the laws of this State.

TEXAS STATE BOARD OF LANDSCAPE IRRIGATION

Sec. 4. There is hereby created the Texas State Board of
Landscape Irrigation which shall consist of six members, each of
whom shall be a citizen of the United States and a resident of this
State. All members of the Board and their successors shall be
appointed by the Governor and confirmed by the Senate, and shall
hold office for terms of six years, or until their successors are
appointed and have qualified; except the members of the Board first
appointed shall hold office, two for 2 years, two for 4 years, and

two for 6 years as determined by the Governor in making said appointments. In addition to the above qualifications, all appointments to this Board, the first appointments inclusive, and all subsequent appointments shall have as a prerequisite to their appointment the following qualifications: two members of the Board shall have had a minimum of 10 years experience as landscape irrigators, two members shall have had at least 8 years experience as landscape irrigators and two members shall have had at least 6 years experience as landscape irrigators.

✓ Sec. 5. The Board shall administer the provisions of this Act. The Board shall formerly elect a Chairman and a Secretary-Treasurer from its members and may adopt such rules as it deems necessary for the orderly conduct of its affairs. The Board is hereby authorized and empowered to employ, promote and discharge such assistants and employees as it may deem necessary to properly carry out the intent and purposes of this Act, and to fix and pay their compensation and salaries and to provide for their duties and the terms of their employment. A majority of the Board shall constitute a quorum for the transaction of business. The Board shall have a seal which shall be judicially noticed. The Board shall keep records of all proceedings and actions by and before the Board. The Board is hereby authorized, empowered and directed to prescribe, amend and enforce rules and regulations consistent with this Act for the examination and licensing of landscape irrigators and said Board shall for that purpose appoint an employee or employees thereof, with the power of removal, as a landscape irrigator examiner or examiners, whose duty shall be to examine, as to their fitness and qualifications, all persons applying to the

Board for license to engage in the business, trade or calling of landscape irrigators or lawn sprinkler companies and to promptly certify the result thereof to said Texas State Board of Landscape Irrigation.

Sec. 6. Members of the Board shall not receive any fixed salary for their services, but each member shall be allowed for each and every day in attending the meetings of the Board, the sum of \$20.00, including time spent in travel to and from such meetings, and said members shall be allowed traveling and other necessary expenses while in the performance of official duty, to be evidenced by vouchers approved by the Chairman or Secretary of the Board; providing no member shall receive more than \$500.00 annually, exclusive of expenses. The members of the Board shall qualify by taking the Constitutional oath of office before an officer authorized to administer oaths within this State, and, upon presentation of such oath of office, together with the certificate of their appointment, the Secretary of State shall issue commissions to them, which shall be evidence of their authority to act as such.

Sec. 7. All sums of money paid to the Board under the provisions of this Act, shall be deposited in the treasury of the State of Texas, and placed in a special fund to be known as the "Texas State Board of Landscape Irrigation Fund." All expenditures for the administration and enforcement of this Act shall be in the amounts and for the purposes fixed by the General Appropriation Bill. Provided, however, that no expense incurred under this Act shall ever be a charge against the general funds of the State of Texas.

Sec. 8. The Board shall issue licenses to such persons of _____

good moral character as have, by a uniform, reasonable examination, shown themselves fit, competent and qualified to engage in the business, trade or calling of a landscape irrigator, designer or consultant, as the case may be.

Sec. 9. The Board shall have power to revoke any license issued hereunder if the same was obtained through error or fraud, or if the recipient thereof is shown to be incompetent or shall have willfully, negligently or arbitrarily violated municipal rules or ordinances regulating sanitation, drainage and plumbing; provided, however, that before any license shall be revoked, the holder hereof shall have written notice enumerating the charges against him, and shall be given a hearing by said Board, and have an opportunity to produce testimony in his behalf, at a time and place specified in said notice, which time shall be not less than twenty days after the service thereof. The Board shall have power to appoint, by an order in writing, any competent person to take testimony in such hearing, who shall have power to administer oaths, issue subpoenas and compel the attendance of witnesses, and the decision of the Board shall be based upon its examination of the testimony taken and the records produced. Any person whose license has been revoked may, after the expiration of two years from the date of such revocation, but not before, apply for a new license.

Sec. 10. All landscape irrigators and yard sprinkler construction firms or persons, as the case may be, in this State and presently acting in the capacity and doing business as a landscape irrigator or yard sprinkler construction firm, or person at the time this Act takes effect, may, within 180 days thereafter,

procure a license as a landscape irrigator without examination,
upon payment of the license fee hereinafter required. Every person
applying after the expiration of said 180 days shall be required to
take the examination herein provided for, and satisfy said Board as
to his, her or their qualifications and competency.

Sec. 11. Licenses issued by the Board shall be valid
throughout the State, but shall not be assignable or transferable.
The Board shall forward to the local Board of Health, if there be
one, of each town, or to the other authority having control of the
enforcement of regulations relative to the water supplies and
plumbing in each town, the names and addresses of all persons in
such town to whom such licenses have been granted. Licenses shall
be issued for one year and may be renewed annually on or before
October 1st upon payment of the required fee. In case of failure
to renew a license as aforesaid on or before October 1st in any
year, the person named therein may, upon payment of the said fee and
a deferred renewal fee of \$150.00, increased by such additional fees
as would have been payable had such license been continuously
renewed, receive a deferred renewal thereof, which shall expire on
the ensuing first day of October; provided that such renewed license
shall not constitute its holder a license for any period preceding
its issue.

FEES

Sec. 12. The following shall be the maximum fees charged
under this Act by the Board, to wit:

Landscape Irrigators License - \$100.00

Renewal of Landscape Irrigators License - \$100.00

Deferred Renewal Fee - \$150.00

Sec. 13. After the expiration of 180 days from the effective date of this Act, no person shall engage in, work at or conduct the business of landscape irrigation, or yard sprinkler construction or repairing in this State, except as herein specifically exempted from the provisions of this Act, unless such person is the holder of a valid license as provided for by this Act; and after the expiration of 180 days from the effective date of this Act, it shall be unlawful for any person to engage in, work at, or conduct the business of a landscape irrigator unless such person is the holder of a valid license issued under the provisions of this Act and provided for hereby; and it shall be unlawful for any person, firm or corporation to engage in or work at the business of installing an irrigation or sprinkler system and doing such irrigation or sprinkler system work except as specifically herein provided unless such installation of irrigation and sprinkling system work be done under the supervision and control of a landscape irrigator licensed under this Act. Provided, however, nothing in this Act shall prohibit a corporation maintaining an established business at one or more locations in this State from engaging in the business or trade of selling, designing, repairing or servicing any landscape irrigation system or offering for sale or selling landscape irrigation systems and all or any materials, appliances or component parts thereof at retail, provided that such corporation shall employ a person licensed under this Act in one of such business locations.

CRIMINAL PENALTY

Sec. 14. Any person, firm, association of persons, corporation, partnership, designer or consultant engaged in, working

at, or conducting the business of landscape irrigator or lawn sprinkler installer, as defined by this Act, without license as provided by law, shall be deemed guilty of a misdemeanor and upon conviction hereof shall be fined in any sum not to exceed \$100.00. Each day that said violation shall continue shall be deemed a separate offense in violation of this Act.

Sec. 15. Every city, town and village in this State may, by ordinance or by law, prescribe rules and regulations for the materials, construction, alteration and inspection of all pipes, faucets, tanks, valves and other fixtures by or through which a supply of water is used or carried; and provide that they should not be placed in any building therein except in accordance with such rules and regulations; and shall further provide that no landscape, irrigation or yard sprinkling construction shall be done except in case of normal maintenance, repairs to damages or revisions, without a permit first being issued therefor upon such terms and conditions as said city, town or village shall prescribe.

INJUNCTION

Sec. 16.

A. In addition to the criminal penalty hereinabove set out, any person, firm, partnership, association, corporation, designer, planner or consultant who shall operate or hold himself, themselves, or itself out to be a landscape irrigator without first procuring such license as required and provided for in this Act, may be enjoined from unlawfully pursuing such business or occupation, and the Attorney General shall bring suit for such purpose in the name of the State of Texas in Travis County, and the District or County Attorney or any county wherein such person, firm,

association, partnership, corporation, designer, consultant or planner engages in such business or conducts such business in violation of this Act is hereby authorized to maintain in the proper court of said county a suit in the name of the State of Texas to enjoin and prevent such individuals, whether corporation or others, from unlawfully pursuing such occupation. In all such cases it shall not be necessary for the attorney bringing suit to verify the pleadings or for the State to execute any bond as a condition precedent to the issuing of any injunction or restraining order hereunder.

B. Any license issued under this Act may be revoked by the Board upon a finding by the Board that the holder of such license has been convicted of violating any of the laws of the United States or this State involving moral turpitude or is guilty of violating any of the provisions of this Act; provided, however, the holder of such license shall be entitled to notice, and such notice shall contain a statement which will accurately apprise such license holder of that of which he is accused and shall set the time for hearing not sooner than thirty (30) days after the date of mailing of such notice, and such license holder shall be entitled to be present at the hearing and represented by an attorney. All notices under this section shall be mailed to the last known address of the license holder as reflected in the license holder's file by certified or registered mail.

APPEAL

Sec. 17.

A. Any person aggrieved by any decision of the Board relating to the issuance, denial, revocation, or refusal to renew a license

may, within sixty days after the date of the decision, appeal by filing a petition in the District Court of the county of his residence. Any person aggrieved by any other decision of the Board may, within the sixty days after the date of the decision, appeal by filing a petition in the District Court of Travis County, Texas.

B. Any person affected or aggrieved by any rule or regulation promulgated under this Act may sue in the District Court of Travis County, Texas, for a declaratory judgment as to the validity of the rule or regulation or the validity of its application to him. Process shall be served on the Attorney General and the Chairman of the Board. The provisions of the Uniform Declaratory Judgment Act (Article 2524-1, Vernon's Texas Civil Statutes) apply to the extent they may be made applicable.

SEVERABILITY

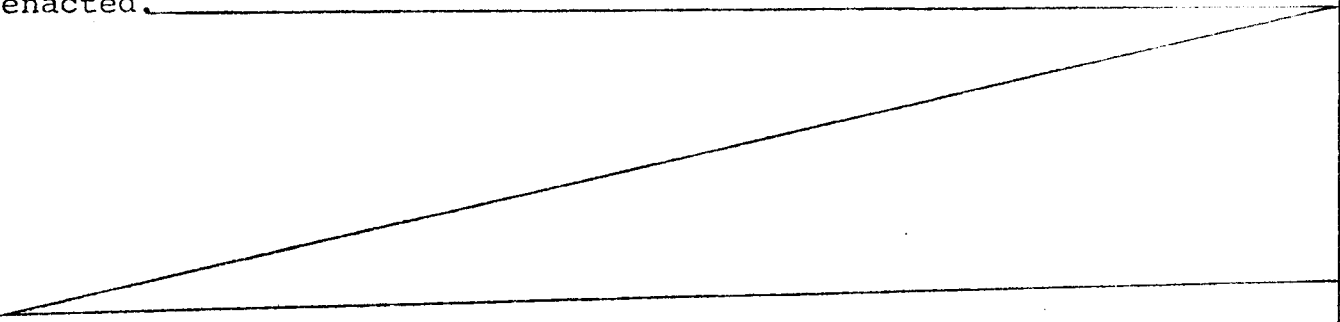
Sec. 18. If any word, phrase, clause, sentence or part of this Act shall be held by any court of competent jurisdiction to be invalid or unconstitutional, or for other reasons void or unconstitutional, it shall not affect any other word, phrase, clause, sentence or part of this Act, it being the express intention of the Legislature to enact such Act without respect to such action or part so held to be invalid, and such remaining portion shall remain in full force and effect.

REPEAL OF CONFLICTING LEGISLATION WITH PROVISIO

Sec. 19. All laws or parts of laws in conflict with the provisions of this Act shall be, and the same are, hereby repealed, provided, however, that this Act shall not be construed as repealing or amending any laws affecting or regulating any other profession.

EMERGENCY CLAUSE

Sec. 20. The fact that the public health and welfare may be endangered by incompetent persons connecting into or onto a potable water supply, and by such reason may contaminate the drinking water of the citizens of this State creates a grave emergency and an imperative public necessity that the Constitutional Rule prohibiting the final passage of a bill during the first 60 days of a regular legislative session and that the Constitutional Rule regarding bills to be read on three several days in each House be suspended, and said Rules are hereby suspended; and that this Act be effective from and after the date of its passage, and it is so enacted.



(For favorable reports on bills where committee amendments other than "committee substitutes" are recommended; and for resolutions where committee amendments, including complete substitutes, are recommended.)

COMMITTEE REPORT

Date April 13, 1971

HON. G. F. (GUS) MUTSCHER

Speaker of the House of Representatives.

Sir:

We, your Committee on Public Health, to whom was referred ~~HB~~ SB No. 226, have had the same under consideration

and beg to report back with recommendation that it do pass, as amended, and be printed.

The Bill was reported from Committee by the following vote:

Unanimous voice vote

~~Unanimous voice vote~~

~~Unanimous voice vote~~

Dean Regent
Chairman.

(In the case of simple and concurrent resolutions the words "and be printed" should be stricken out since resolutions are printed in the Journal when they are first introduced.)

The word "not" should be inserted before "printed" only in case of a local bill reported favorably with amendments and ordered not printed, which is customary for local bills.)

1 By: Bates

S. B. No. 226

2 (In the Senate. --February 3, 1971, Filed with the Secretary of the Senate;
3 February 4, 1971, read, referred to Committee on State Affairs; March 4,
4 1971, reported adversely, with favorable Committee Substitute; Committee
5 Substitute read first time; March 8, 1971, Senate and Constitutional Rules
6 to permit consideration failed to suspend by 17 yeas, 13 nays; March 17,
7 1971, regular order of business suspended by vote of 21 yeas, 7 nays to
8 permit consideration; March 17, 1971, read second time and ordered
9 engrossed; March 17, 1971, Senate and Constitutional 3-Day Rules sus-
10 pended by vote of 23 yeas, 5 nays to place bill on third reading and final
11 passage; March 17, 1971, read third time and passed by a viva-voce vote.)

12 CHARLES SCHNABEL

13 Secretary of the Senate

14 March 17, 1971, Engrossed.

15 BEA LEWIS

16 Engrossing Clerk

17 March 18, 1971, Sent to House.

18 March 18, 1971, Received from the Senate.

19 DOROTHY HALLMAN

20 Chief Clerk, House of Representatives

21 (In the House. --March 22, 1971, read first time and referred to Commit-
22 tee on Public Health; April 13, 1971, reported favorably, as amended, passed
23 by unanimous voice vote, sent to Printer.)

24 A BILL

25 TO BE ENTITLED

26 AN ACT creating the Texas State Board of Landscape Irrigation;
27 defining the terms landscape irrigation system, compo-
28 nent parts, landscape irrigator, any location, installa-
29 tion of underground sprinkler systems and/or landscape
30 irrigation systems, Board; providing for exemption for
31 certain persons in professions or other types of endeavor;
32 creating a Board consisting of six members who shall be
33 citizens of the United States and residents of Texas; pre-
34 scribing qualifications for membership on the Board; pro-
35 viding method of appointment and prescribing term of
36 office; defining a quorum of said Board; providing for and
37 prescribing oath of office; prescribing powers and duties
38 of the Board; authorizing the Board to adopt rules and
39 regulations; providing for compensation and travel allow-
40 ance; providing that no expense of administration of the
41 Act shall ever be charged against the general fund of the
42 State of Texas; prescribing qualifications for licensees;
43 providing for examination and prescribing fees; providing
44 for licenses and method of revocation and reissuance;
45 providing for a grandfather clause; providing for notifica-
46 tion to local boards of health; providing for a criminal
47 penalty for one in violation of this Act to be fined the sum
48 of \$100.00 and further providing that each day said viola-
49 tion continues shall be deemed a separate offense in vio-
50 lation of this Act; providing for an injunction in addition to
51 the criminal penalty, enjoining anyone in violation of the
52 Act; providing that cities and towns may prescribe rules
53 and regulations not inconsistent with this Act; prescribing
54 for appeal from Board Order; providing a saving and
55 severability clause; repealing laws in conflict with a pro-
56 viso; and declaring an emergency.

57 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

58 Section 1. This Act shall be known and may be cited as the Landscape
59 Irrigation Act of 1971.

DEFINITIONS

1
2 Sec. 2. The following terms as used hereinafter in this Act shall have
3 the following definitions:

4 A. "Landscape irrigation system" shall mean any assembly of com-
5 ponent parts permanently installed with and for the controlled distribution
6 of water for the purposes of irrigating any and all types of landscape vege-
7 tation, in any location, for dust reduction, and for erosion control.

8 B. "Component parts" shall mean and refers to all types of sprinkler
9 heads (except fire type heads as used in buildings for the purpose of fire
10 prevention and protection), all types of pipe and fittings, all types of man-
11 ual and remote control valves; all types of automatic control; all low voltage
12 wiring and/or tubing from control to section valves, hydrants, and any and
13 all other such miscellaneous items as are required or may be required to
14 provide a complete and operating installation for landscape irrigation.

15 C. A "landscape irrigator" shall be any person duly licensed by the
16 State of Texas under this Act, who has and shall maintain a regular place
17 of business, who, by himself, or themselves, or through a person or
18 persons in their employ, sell, design, consult, install, revamp, alter,
19 and maintain, assemble, repair, or service any landscape irrigation
20 system and who designs, constructs or consults in or plans any landscape
21 irrigation system which is designed, and its purpose is to irrigate any and
22 all types of landscape vegetation, which shall include all types of ornamen-
23 tal grasses, trees, shrubbery, flowers, golf courses, ground cover, orna-
24 mental planting gardens and landscape nurseries which are permanently
25 installed.

26 D. The term "in any location" refers to not only all exterior or out-
27 door locations but also includes interior planter boxes, courtyards,
28 atriums, window boxes and rooftop gardens.

29 E. "Installation of underground sprinkler systems" and/or "land-
30 scape irrigation systems" shall mean, define and include complete and/
31 or partial installation of all materials and appliances whatsoever, re-
32 quired to properly distribute water for the purpose of irrigating all types
33 of vegetation, as hereinabove set out, and specifically include the follow
34 ing:

35 1. Assembly, installation, repair, conversion, reconstruction,
36 servicing and maintenance of landscape irrigation systems and their com-
37 ponents and accessories.

38 2. All trenching, back filling, boring, holing, sleeving and the
39 operation of all machinery or equipment necessary to accomplish these
40 functions.

41 3. Hauling, handling, assembling and joining all components of
42 a landscape irrigation system and the operation of all equipment necessary
43 to accomplish these functions.

44 4. Removal, repair, restoration or replacement of permanent or
45 temporary obstacles to the installation of a landscape irrigation system
46 and the operation of all machinery and equipment necessary to accomplish
47 these functions.

48 5. Preparation, repair and restoration of rights-of-way when
49 such function is necessary to accomplish the installation, repair, recon-
50 struction, service or maintenance of a landscape irrigation system, and
51 the operation of all machinery and equipment necessary to accomplish
52 such functions.

53 6. Connections to public, private or raw potable water supplies,
54 the installation of back flow prevention devices and installation of service
55 lines from source of supply to a landscape irrigation system.

56 7. Installation of automatic controllers and valves, including the
57 establishment of electrical service from a fuse box, circuit breaker or
58 receptacle to such controller, and the installation and connection of
59 electrical control lines and/or tubing between controllers and remove
60 valves.

1 8. Installation of pressure pumps, as components of a landscape
2 irrigation system, their supports and housings and installation of electrical
3 service from automatic controllers to such pressure pumps.

4 9. Construction, assembly and/or installation of water storage
5 facilities for the purpose of supplying water to landscape irrigation system.

6 F. The word or term "Board" as used in this Act means the Texas
7 State Board of Landscape Irrigation, hereinafter created.

8 EXEMPTIONS

9 Sec. 3. The following acts, work and conduct shall be expressly permitted
10 without license:

11 A. Irrigation or yard sprinkler work done by a property owner in a
12 building or on premises owned or occupied by him as his home;

13 B. Irrigation or yard sprinkler work done by anyone who is regularly
14 employed as or acting as a maintenance man incidental to and in connection
15 with the business in which he is employed or engaged, and who does not
16 engage in the occupation of landscape irrigator or yard sprinkler contractor
17 or maintenance for the general public; construction, installation and main-
18 tenance work done upon the premises or equipment of a railroad by an
19 employee thereof who does not engage in the occupation of landscape irri-
20 gator or yard sprinkler construction or maintenance for the general public;
21 and landscape irrigation and yard sprinkler construction or maintenance
22 done by persons engaged by any public service company in the laying, main-
23 tenance and operation of its service lines or mains and the installation,
24 alteration, adjustment, repair, removal and renovation of all types of ap-
25 purtenances, equipment and appliances.

26 C. Any temporary or portable watering devices such as garden hose,
27 hose sprinklers, soaker hoses and agricultural irrigation.

28 D. Commercial agricultural irrigation, portable or solid set.

29 E. Irrigation or yard sprinkler work or any other services authorized
30 by this Act done by a licensed professional engineer as defined by the laws
31 of this State.

32 TEXAS STATE BOARD
33 OF LANDSCAPE IRRIGATION

34 Sec. 4. There is hereby created the Texas State Board of Landscape
35 Irrigation which shall consist of six members, each of whom shall be a
36 citizen of the United States and a resident of this State. All members of
37 the Board and their successors shall be appointed by the Governor and con-
38 firmed by the Senate, and shall hold office for terms of six years, or until
39 their successors are appointed and have qualified; except the members of
40 the Board first appointed shall hold office, two for 2 years, two for 4 years,
41 and two for 6 years as determined by the Governor in making said appoint-
42 ments. In addition to the above qualifications, all appointments to this
43 Board, the first appointments inclusive, and all subsequent appointments
44 shall have as a prerequisite to their appointment the following qualifications:
45 two members of the Board shall have had a minimum of 10 years experience
46 as landscape irrigators, two members shall have had at least 8 years
47 experience as landscape irrigators and two members shall have had at least
48 6 years experience as landscape irrigators.

49 Sec. 5. The Board shall administer the provisions of this Act. The
50 Board shall formerly elect a Chairman and a Secretary-Treasurer from
51 its members and may adopt such rules as it deems necessary for the orderly
52 conduct of its affairs. The Board is hereby authorized and empowered to
53 employ, promote and discharge such assistants and employees as it may
54 deem necessary to properly carry out the intent and purposes of this Act,
55 and to fix and pay their compensation and salaries and to provide for their
56 duties and the terms of their employment. A majority of the Board shall
57 constitute a quorum for the transaction of business. The Board shall have
58 a seal which shall be judicially noticed. The Board shall keep records of
59 all proceedings and actions by and before the Board. The Board is hereby
60 authorized, empowered and directed to prescribe, amend and enforce rules

1 and regulations consistent with this Act for the examination and licensing of
2 landscape irrigators and said Board shall for that purpose appoint an em-
3 ployee or employees thereof, with the power of removal, as a landscape
4 irrigator examiner or examiners, whose duty shall be to examine, as to
5 their fitness and qualifications, all persons applying to the Board for
6 license to engage in the business, trade or calling of landscape irrigators
7 or lawn sprinkler companies and to promptly certify the result thereof to
8 said Texas State Board of Landscape Irrigation.

9 Sec. 6. Members of the Board shall not receive any fixed salary for their
10 services, but each member shall be allowed for each and every day in at-
11 tending the meetings of the Board, the sum of \$20.00, including time spent
12 in travel to and from such meetings, and said members shall be allowed
13 traveling and other necessary expenses while in the performance of official
14 duty, to be evidenced by vouchers approved by the Chairman or Secretary
15 of the Board; providing no member shall receive more than \$500.00 annually,
16 exclusive of expenses. The members of the Board shall qualify by taking
17 the Constitutional oath of office before an officer authorized to administer
18 oaths within this State, and, upon presentation of such oath of office, to-
19 gether with the certificate of their appointment, the Secretary of State shall
20 issue commissions to them, which shall be evidence of their authority to
21 act as such.

22 Sec. 7. All sums of money paid to the Board under the provisions of this
23 Act, shall be deposited in the treasury of the State of Texas, and placed in
24 a special fund to be known as the "Texas State Board of Landscape Irrigation
25 Fund." All expenditures for the administration and enforcement of this Act
26 shall be in the amounts and for the purposes fixed by the General Appropri-
27 ation Bill. Provided, however, that no expense incurred under this Act
28 shall ever be a charge against the general funds of the State of Texas.

29 Sec. 8. The Board shall issue licenses to such persons of good moral
30 character as have, by a uniform, reasonable examination, shown them-
31 selves fit, competent and qualified to engage in the business, trade or
32 calling of a landscape irrigator, designer or consultant, as the case may be.

33 Sec. 9. The Board shall have power to revoke any license issued hereunder
34 if the same was obtained through error or fraud, or if the recipient thereof
35 is shown to be incompetent or shall have willfully, negligently or arbitrarily
36 violated municipal rules or ordinances regulating sanitation, drainage and
37 plumbing; provided, however, that before any license shall be revoked, the
38 holder hereof shall have written notice enumerating the charges against
39 him, and shall be given a hearing by said Board, and have an opportunity to
40 produce testimony in his behalf, at a time and place specified in said notice,
41 which time shall be not less than twenty days after the service thereof. The
42 Board shall have power to appoint, by an order in writing, any competent
43 person to take testimony in such hearing, who shall have power to administer
44 oaths, issue subpoenas and compel the attendance of witnesses, and the
45 decision of the Board shall be based upon its examination of the testimony
46 taken and the records produced. Any person whose license has been re-
47 voked may, after the expiration of two years from the date of such revocation,
48 but not before, apply for a new license.

49 Sec. 10. All landscape irrigators and yard sprinkler construction firms
50 or persons, as the case may be, in this State and presently acting in the
51 capacity and doing business as a landscape irrigator or yard sprinkler
52 construction firm, or person at the time this Act takes effect, may, within
53 180 days thereafter, procure a license as a landscape irrigator without
54 examination, upon payment of the license fee hereinafter required. Every
55 person applying after the expiration of said 180 days shall be required to
56 take the examination herein provided for, and satisfy said Board as to his,
57 her or their qualifications and competency.

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1 Sec. 11. Licenses issued by the Board shall be valid throughout the
2 State, but shall not be assignable or transferable. The Board shall
3 forward to the local Board of Health, if there be one, of each town,
4 or to the other authority having control of the enforcement of regulations
5 relative to the water supplies and plumbing in each town, the names
6 and addresses of all persons in such town to whom such licenses have
7 been granted. Licenses shall be issued for one year and may be renewed
8 annually on or before October 1st upon payment of the required fee. In
9 case of failure to renew a license as aforesaid on or before October 1st
10 in any year, the person named therein may, upon payment of the said fee
11 and a deferred renewal fee of \$150.00, increased by such additional fees
12 as would have been payable had such license been continuously renewed,
13 receive a deferred renewal thereof, which shall expire on the ensuing
14 first day of October; provided that such renewed license shall not consti-
15 tute its holder a license for any period preceding its issue.

16 FEES

17 Sec. 12. The following shall be the maximum fees charged under this
18 Act by the Board, to wit:

- 19 Landscape Irrigators License - \$100.00
- 20 Renewal of Landscape Irrigators License - \$100.00
- 21 Deferred Renewal Fee - \$150.00

22 Sec. 13. After the expiration of 180 days from the effective date of this
23 Act, no person shall engage in, work at or conduct the business of land-
24 scape irrigation, or yard sprinkler construction or repairing in this
25 State, except as herein specifically exempted from the provisions of this
26 Act, unless such person is the holder of a valid license as provided for
27 by this Act; and after the expiration of 180 days from the effective date
28 of this Act, it shall be unlawful for any person to engage in, work at,
29 or conduct the business of a landscape irrigator unless such person is
30 the holder of a valid license issued under the provisions of this Act and
31 provided for hereby; and it shall be unlawful for any person, firm or
32 corporation to engage in or work at the business of installing an irri-
33 gation or sprinkler system and doing such irrigation or sprinkler system
34 work except as specifically herein provided unless such installation of
35 irrigation and sprinkling system work be done under the supervision
36 and control of a landscape irrigator licensed under this Act. Provided,
37 however, nothing in this Act shall prohibit a corporation maintaining
38 an established business at one or more locations in this State from
39 engaging in the business or trade of selling, designing, repairing or
40 servicing any landscape irrigation system or offering for sale or selling
41 landscape irrigation systems and all or any materials, appliances or
42 component parts thereof at retail, provided that such corporation shall
43 employ a person licensed under this Act in one of such business locations.

44 CRIMINAL PENALTY

45 Sec. 14. Any person, firm, association of persons, corporation,
46 partnership, designer or consultant engaged in, working at, or conducting
47 the business of landscape irrigator or lawn sprinkler installer, as defined
48 by this Act, without license as provided by law, shall be deemed guilty
49 of a misdemeanor and upon conviction hereof shall be fined in any sum
50 not to exceed \$100.00. Each day that said violation shall continue shall
51 be deemed a separate offense in violation of this Act.

52 Sec. 15. Every city, town and village in this State may, by ordinance
53 or by law, prescribe rules and regulations for the materials, construction,
54 alteration and inspection of all pipes, faucets, tanks, valves and other
55 fixtures by or through which a supply of water is used or carried; and
56 provide that they should not be placed in any building therein except in
57 accordance with such rules and regulations; and shall further provide
58 that no landscape, irrigation or yard sprinkling construction shall be
59 done except in case of normal maintenance, repairs to damages or
60 revisions, without a permit first being issued therefor upon such terms

1 and conditions as said city, town or village shall prescribe.

2 INJUNCTION

3 Sec. 16.

4 A. In addition to the criminal penalty hereinabove set out, any person,
5 firm, partnership, association, corporation, designer, planner or con-
6 sultant who shall operate or hold himself, themselves, or itself out to
7 be a landscape irrigator without first procuring such license as required
8 and provided for in this Act, may be enjoined from unlawfully pursuing
9 such business or occupation, and the Attorney General shall bring suit
10 for such purpose in the name of the State of Texas in Travis County, and
11 the District or County Attorney or any county wherein such person, firm,
12 association, partnership, corporation, designer, consultant or planner
13 engages in such business or conducts such business in violation of this
14 Act is hereby authorized to maintain in the proper court of said county
15 a suit in the name of the State of Texas to enjoin and prevent such
16 individuals, whether corporation or others, from unlawfully pursuing
17 such occupation. In all such cases it shall not be necessary for the
18 attorney bringing suit to verify the pleadings or for the State to execute
19 any bond as a condition precedent to the issuing of any injunction or
20 restraining order hereunder.

21 B. Any license issued under this Act may be revoked by the Board
22 upon a finding by the Board that the holder of such license has been
23 convicted of violating any of the laws of the United States or this State
24 involving moral turpitude or is guilty of violating any of the provisions
25 of this Act; provided, however, the holder of such license shall be
26 entitled to notice, and such notice shall contain a statement which will
27 accurately apprise such license holder of that of which he is accused
28 and shall set the time for hearing not sooner than thirty (30) days after
29 the date of mailing of such notice, and such license holder shall be
30 entitled to be present at the hearing and represented by an attorney. All
31 notices under this section shall be mailed to the last known address of
32 the license holder as reflected in the license holder's file by certified
33 or registered mail.

34 APPEAL

35 Sec. 17.

36 A. Any person aggrieved by any decision of the Board relating to the
37 issuance, denial, revocation, or refusal to renew a license may, within
38 sixty days after the date of the decision, appeal by filing a petition in
39 the District Court of the county of his residence. Any person aggrieved
40 by any other decision of the Board may, within the sixty days after the
41 date of the decision, appeal by filing a petition in the District Court
42 of Travis County, Texas.

43 B. Any person affected or aggrieved by any rule or regulation
44 promulgated under this Act may sue in the District Court of Travis
45 County, Texas, for a declaratory judgment as to the validity of the
46 rule or regulation or the validity of its application to him. Process
47 shall be served on the Attorney General and the Chairman of the Board.
48 The provisions of the Uniform Declaratory Judgment Act (Article 2524-1,
49 Vernon's Texas Civil Statutes) apply to the extent they may be made
50 applicable.

51 SEVERABILITY

52 Sec. 18. If any word, phrase, clause, sentence or part of this Act
53 shall be held by any court of competent jurisdiction to be invalid or
54 unconstitutional, or for other reasons void or unconstitutional, it shall
55 not affect any other word, phrase, clause, sentence or part of this Act,
56 it being the express intention of the Legislature to enact such Act without
57 respect to such action or part so held to be invalid, and such remaining
58 portion shall remain in full force and effect.

59 REPEAL OF CONFLICTING LEGISLATION WITH PROVISIO

60 Sec. 19. All laws or parts of laws in conflict with the provisions of

1 this Act shall be, and the same are, hereby repealed, provided, however,
2 that this Act shall not be construed as repealing or amending any laws
3 affecting or regulating any other profession.

4 EMERGENCY CLAUSE

5 Sec. 20. The fact that the public health and welfare may be endangered
6 by incompetent persons connecting into or onto a potable water supply,
7 and by such reason may contaminate the drinking water of the citizens
8 of this State creates a grave emergency and an imperative public necessity
9 that the Constitutional Rule prohibiting the final passage of a bill during
10 the first 60 days of a regular legislative session and that the Constitutional
11 Rule regarding bills to be read on three several days in each House be
12 suspended, and said Rules are hereby suspended; and that this Act be
13 effective from and after the date of its passage, and it is so enacted.

14
15 COMMITTEE AMENDMENT NO. 1

16 Amend Senate Bill 226, "Section 6", page 7, line 8, first word by changing
17 \$20.00 to read \$25.00.

18 Paul Silber

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20 COMMITTEE AMENDMENT NO. 2

21 Amend Senate Bill 226 "Section 3" entitled, "Exemptions", by adding
22 thereto two new paragraphs, after paragraph E, to be numbered paragraphs
23 "F" and "G" and to read respectively as follows:

24 "F. Any person holding a valid Master Plumber License under, Acts
25 1947, 50 Legislature, page 192, Chapter 115"

26 "G. Anyone holding a valid license as a landscape architect under, Acts
27 1969, 61 Legislature, page 1516, Chapter 547."

28 Silber

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31 COMMITTEE REPORT

32 COMMITTEE ROOM

33 Austin, Texas, April 13, 1971

34 Hon. G. F. (Gus) Mutscher, Speaker of the House of Representatives.

35 SIR: We, your Committee on Public Health, to whom was referred
36 S. B. No. 226, have had the same under consideration and beg to report
37 back with recommendation that it do pass, as amended, and be printed.

38 Dean Neugent, Chairman

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BILL ANALYSIS

Background Information:

This Bill enacts new legislation.

What the Bill Proposes to do:

Creates the Texas State Board of Landscape Irrigation.

Section by Section Analysis:

Section 1. Landscape Irrigation Act.

Sec. 2. Definitions.

Sec. 3. Exemption.

Sec. 4. Creates State Board of Landscape Irrigation.

Sec. 5. Provides for the administration of this Act and administrative structure of the Board.

Sec. 6. Compensation.

Sec. 7. Deposit of Funds.

Sec. 8. Licenses.

Sec. 9. Revocation of license.

Sec. 10. Grandfather Clause.

Sec. 11. Provides for validity of licenses and those covered by such.

Sec. 12. Fees.

Sec. 13. Effective date and limitation in force therefrom.

Sec. 14. Criminal Penalty-misdemeanor.

Sec. 15. Ordinance that may be enacted.

Sec. 16. Injunction.

A. Those operating without license.

B. Revocation based on prior convictions; notice must be given.

Sec. 17. Appeal.

A. Filing of appeal.

B. Suit for declaratory judgment.

Sec. 18. Severability Clause.

Sec. 19. Repeal of conflicting legislation with Proviso.

Sec. 20. Emergency Clause.

Summary of Committee Action:

S. B. No. 226 was reported out favorably by unanimous voice vote. Committee Amendment #1 changes pay per day from \$20 to \$25. Committee Amendment #2 which adds exclusions to the Act - one for licensed master plumber, another exempting licensed landscape architect.

New Legislation.

①
COMMITTEE AMENDMENT TO SENATE BILL 226

By Paul Sellen

Amend Senate Bill 226, "Section 6", page 7, line 8, first
word by changing \$20.00 to read \$25.00.

C

COMMITTEE AMENDMENT
NO. 1

DATE APR 29 1971

READ AND ADOPTED

Dorothy Hallman
CHIEF CLERK
HOUSE OF REPRESENTATIVES

COMMITTEE AMENDMENT TO SENATE BILL 226

By Silber

Amend Senate Bill 226 "Section 3" entitled, "Exemptions", by adding thereto two new paragraphs, after paragraph E, to be numbered paragraphs "F" and "G" and to read respectively as follows:

"F. Any person holding a valid Master Plumber License under, Acts 1947, 50 Legislature, page 192, Chapter 115"

"G. Anyone holding a valid license as a landscape architect under, Acts 1969, 61 Legislature, page 1516, Chapter 547."

DATE APR 29 1971
READ AND ADOPTED
Dorothy Hallman
CHIEF CLERK
HOUSE OF REPRESENTATIVES

COMMITTEE AMENDMENT
NO. 2

S.B.
EXR. No. 226

By 1. Santa

AN ACT LICENSING DOMESTIC LANDSCAPE IRRIGATORS AND
LAWN SPRINKLER COMPANIES

2-3-71

Filed with the Secretary of the Senate

FEB 4 1971

Read, referred to Committee on

State affairs

Reported favorably.

MAR 4 1971

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

Ordered not printed.

MAR 8 1971

Senate and Constitutional Rules to permit consideration, suspend by

failed to

unanimous consent.

17 yeas, 13 nays.

To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of _____ yeas, _____ nays.

MAR 17 1971

Read second time and { ordered engrossed.
passed to third reading.

Caption ordered amended to conform to body of bill.

MAR 17 1971

Senate and Constitutional 3-Day Rules suspended by vote of
23 yeas, 5 nays to place bill on third reading and final passage.

MAR 17 1971

Read third time and passed by { a viva-voce vote.

yeas, _____ nays.

OTHER ACTION:

* MAR 17 1971

Regular order of business
suspended by vote of

21 yeas, 7 nays
to permit consideration.

3-17-71

Engrossed.

MAR 18 1971

Sent to HOUSE

Bea Lewis

ENGROSSING CLERK

S.B. - 226

MAR 18 1971

Received from
the Senate

Dorothy Hallman

Chief Clerk, House of Representatives

MAR 22 1971

READ 1st TIME
AND REFERRED TO COMMITTEE ON

Public Health

Dorothy Hallman

Chief Clerk, House of Representatives

APR 29 1971

Read Second Time amended and passed to
third reading by vote 56 yeas, 87 noes.

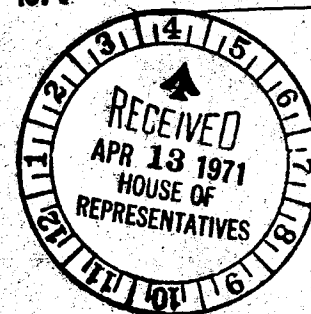
Dorothy Hallman

Chief Clerk, House of Representatives

Wilde

APR 13 1971

REPORTED FAVORABLY AS AMENDED SENT TO PRINTER



PRINTED, DISTRIBUTED AND

REFERRED TO COMMITTEE ON

RULES 4:30 P.M., APR 13 1971
(Time) (Date)

APR 29 1971

MOTION TO RECONSIDER THE VOTE BY *10.3rd reading*
WHEN *SA # 226 failed passage* WAS
PASSED AND TO TABLE THE MOTION TO RECON-
SIDER PREVAILED BY A *record* VOTE OF
75 AYES AND *64* NAYES
Dorothy Hallman
CHIEF CLERK HOUSE OF REPRESENTATIVES